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10/599,633

10/04/2006

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06/09/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BOYD, JONATHAN A

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/599,633 | Applicant(s) DIJK, PATERICUS | |
| | Examiner JONATHAN BOYD | Art Unit 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application number 10/599,633 filed October 4th 2006. Claims 13-21 are currently pending and have been examined.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13-17, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley et al (6,764,185) (herein "Beardsley").

In regards to claim 13, Beardsley teaches a hand-held device (*See; Fig. 2, element 100*) having a functionality for creating a projection of visual information onto a surface (*See; Fig. 2, element 250*) under control of a stabilizer for stabilizing the projection for a motion of the device (*See; Column 2, lines 38-56*), the device comprising a component for creating in the stabilized projection a visual indicium that is moveable with respect to the projection under user control of an orientation of the device, wherein the component comprises a controller for controlling the location of the indicium being a part of the projected visual information (*See; Column 2, line 63 to Column 3, line 3*).

In regards to claim 14, Beardsley teaches a confirmation input for confirming a selection of a location in the projection occupied by the indicium (*See; Column 4, lines 34-43 where the instantaneous location of the pointer within the stable image is sensed and thus confirming the selection*).

In regards to claim 15, Beardsley teaches a communicator for communicating the confirming of the selection to a source external to the device (*See; Column 4, lines 34-43 where the mouse interaction controls menu items for example, thus a communicator has to be involved to relay this information to the projector*).

In regards to claim 16, Beardsley teaches a remote controller for enabling remote control of an operation of the source by associating a position of the indicium with a selectable item represented in the projection (*See; Column 4, lines 30-55 where the "mouse-style" interaction is a remote control operation enabled by the position of an indicium, or cursor, with a selectable item represented in the projection, such as opening icons*).

In regards to claim 17, Beardsley teaches a browser (*See; Column 4, lines 30-55 where the mouse interaction can cover a conventional windows-style computing environment, which would include a browser*) and wherein the communicator enables wireless access to a data network (*See; Column 3, lines 32-36 where a network sub-system allows the projector to communicate with remote devices through an infrared transceiver*).

In regards to claim 21, Beardsley teaches comprising a display monitor (*See; Column 2, lines 14-21 for a fixed display surface*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over

Beardsley et al (6,764,185) (herein "Beardsley").

In regards to claim 18, Beardsley does not explicitly teach a file system for organized storage of electronic files. However Beardsley does teach communicating with remote computer storage. (*See; Column 3, lines 32-36 where the projector can communicate with remote computers memories or storage*). The Examiner takes Official Notice that it is well known in the art that computer storage at the time of the invention could contain electronic files in an organized file system. Therefore it would have been obvious to one of ordinary skill in the art to have the computer storage communicated with, as taught by Beardsley, contain a file system for organized storage of electronic files.

In regards to claim 19, Beardsley does not explicitly teach the device configured for playing a computer game for which the projection forms a visual feedback. However

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Beardsley does teach mouse interaction with a visual projection, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use Beardsley's invention to play games since playing a game is nothing more than interacting with a visual display or projection as taught by Beardsley (*See; Column 4, lines 30-55*).

In regards to claim 20, Beardsley fails to teach wherein the indicium comprises an animation. However it was well known in the art to one of ordinary skill at the time of the invention that computer indicium, or cursors as taught by Beardsley, could be comprised of an animation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN BOYD whose telephone number is (571)270-7503. The examiner can normally be reached on Mon - Thur 6:00 - 4:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. B./
Examiner, Art Unit 2629

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629